

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING**OFFENSE CHARGED**

See Attachment A.

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED**DEFENDANT - U.S.**

SEP 17 2015

HENRY CERVANTES

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DISTRICT COURT NUMBER

12-792 YGR

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT RUSS NIMMO

 person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrP 20, 21, or 40. Show District this is a reprocution of
charges previously dismissed
which were dismissed on motion
of: U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

 this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO. prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded underName and Office of Person
Furnishing Information on this form

BRIAN J. STRETCH

 U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)

AUSA Joseph M. Alioto Jr.

PROCESS: SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior
summons was served on above charges2) Is a Fugitive3) Is on Bail or Release from (show District)**IS IN CUSTODY**4) On this charge5) On another conviction} Federal State6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No} If "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS**

(1) **HENRY CERVANTES, a/k/a "Happy"**

COUNT 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment

Maximum term of 5 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering

Maximum term of 10 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 3: 18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering

Maximum term of 3 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 4: 18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Possession of Firearm in Furtherance of Crime of Violence

Maximum term of life imprisonment

Mandatory minimum term of 5, 7, or 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 5: 18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-1

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 6: 18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-2

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 7: 18 U.S.C. § 371 – Conspiracy to Obstruct Justice

Maximum term of 5 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 9: 18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 10: 18 U.S.C. §§ 844(h) and 2 – Use of Fire to Commit Felony

Maximum term of 10 years' imprisonment

Mandatory minimum term of 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 21: 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A) – Drug Conspiracy

Minimum term of 10 years' imprisonment; maximum term of life

Minimum term of supervised release of 5 years; maximum term of life

Maximum fine of \$10,000,000

Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

See Attachment A.

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED

DEFENDANT - U.S.

ALBERTO LAREZ

SEP 17 2015

SUSAN Y. SOONG
 PLATE, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
 12-792 YGR

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT RUSS NIMMO

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
 charges previously dismissed
 which were dismissed on motion
 of:

U.S. ATTORNEY DEFENSE

this prosecution relates to a
 pending case involving this same
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prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person
 Furnishing Information on this form BRIAN J. STRETCH

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) AUSA Joseph M. Alioto Jr.

IS IN CUSTODY

1) On this charge5) On another conviction} Federal State6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
 been filed? No

} If "Yes"
 give date
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DATE OF
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
 TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:
 _____* Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

(2) ALBERTO LAREZ, a/k/a "Bird"

COUNT 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment

Maximum term of 5 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering

Maximum term of 10 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 3: 18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering

Maximum term of 3 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 16: 18 U.S.C. § 371 – Conspiracy to Obstruct Justice

Maximum term of 5 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 17: 18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 18: 18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-5

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 19: 18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Possession of Firearm in Furtherance of Crime of Violence

Maximum term of life imprisonment

Mandatory minimum term of 5, 7, or 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 20: 18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm in Furtherance of Crime of Violence Causing the Death of Victim-5

Maximum punishment is Death (or maximum of life in the event the Attorney General directs the government not to seek death); \$250,000 criminal fine; 3 years supervised release; and a \$100 mandatory special assessment

COUNT 21: 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A) – Drug Conspiracy

Minimum term of 10 years' imprisonment; maximum term of life

Minimum term of supervised release of 5 years; maximum term of life

Maximum fine of \$10,000,000

Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

See Attachment A.

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED

DEFENDANT - U.S.

JAIME CERVANTES

SEP 17 2015

DISTRICT COURT NUMBER

12-792 YGR

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT RUSS NIMMO

 person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocsecution of
charges previously dismissed
 which were dismissed on motion
of: U.S. ATTORNEY DEFENSESHOW
DOCKET NO. this prosecution relates to a
pending case involving this same
defendant prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
defendant were recorded underMAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on this form BRIAN J. STRETCH U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)AUSA Joseph M. Alioto Jr.

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior
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IS IN CUSTODY

4) On this charge5) On another conviction} Federal State6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

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give date
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Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
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Month/Day/Year

 This report amends AO 257 previously submitted

PROCESS:

 SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

 Arraignment Initial AppearanceDefendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

(3) **JAIME CERVANTES, a/k/a "Hennessy"**

COUNT 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment

Maximum term of 5 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering

Maximum term of 10 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 3: 18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering

Maximum term of 3 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 7: 18 U.S.C. § 371 – Conspiracy to Obstruct Justice

Maximum term of 5 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 8: 18 U.S.C. §§ 3 and 1959(a)(1) – Accessory After the Fact to Racketeering Murder

Maximum term of 15 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 9: 18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 10: 18 U.S.C. §§ 844(h) and 2 – Use of Fire to Commit Felony

Maximum term of 10 years' imprisonment

Mandatory minimum term of 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 11: 18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-3

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 12: 18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-4

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 13: 18 U.S.C. § 1951(a) – Conspiracy to Commit Robbery Affecting Interstate Commerce

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 14: 18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 15: 18 U.S.C. §§ 924(c) and 2 – Possession of a Firearm in Furtherance of a Crime of Violence

Maximum term of life imprisonment

Mandatory minimum term of 5, 7, or 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another
Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

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 SUPERSEDING

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See Attachment A.

- Petty
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 Misdemeanor
 Felony

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED**DEFENDANT - U.S.**

SEP 17 2015

ANDREW F. CERVANTES

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DISTRICT COURT NUMBER

12-792 YGR

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT RUSS NIMMO

person is awaiting trial in another Federal or State Court,
give name of court

this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
charges previously dismissed
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U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a
pending case involving this same
defendant

prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded under

MAGISTRATE CASE NO.

Name and Office of Person
Furnishing Information on this form BRIAN J. STRETCH

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned) AUSA Joseph M. Alioto Jr.**DEFENDANT****IS NOT IN CUSTODY**

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 This report amends AO 257 previously submitted**PROCESS:**

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

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Date/Time: _____

Before Judge: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Comments: _____

(4) ANDREW F. CERVANTES

COUNT 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment

Maximum term of 5 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 21: 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A) – Drug Conspiracy

Minimum term of 10 years' imprisonment; maximum term of life

Minimum term of supervised release of 5 years; maximum term of life

Maximum fine of \$10,000,000

Mandatory special assessment of \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

CR 12-00792 YGR

UNITED STATES OF AMERICA,

v.

HENRY CERVANTES
a/k/a "Happy"
ALBERTO LAREZ,
a/k/a "Bird,"
JAIME CERVANTES,
a/k/a "Hennessy,"
ANDREW F. CERVANTES,
a/k/a "Mad Dog,"

FILED

SEP 17 2015

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

THIRD SUPERSEDING INDICTMENT

18 U.S.C. § 1962(d) – Racketeering Conspiracy; 18 U.S.C. § 1959 – Violent Crime in Aid of Racketeering; 18 U.S.C. § 924(c) – Use/Possession of Firearm in Furtherance of Crime of Violence/Drug Trafficking Crime; 18 U.S.C. § 1951 – Hobbs Act Robbery/Conspiracy; 18 U.S.C. § 1512 – Obstruction of Justice/Witness Tampering; 18 U.S.C. § 844(h) – Use of Fire to Commit Federal Felony; 21 U.S.C. § 846 – Drug Conspiracy; 18 U.S.C. § 371 – Conspiracy; 18, U.S.C. § 924(j) – Use of Firearm in Furtherance of a Crime of Violence Causing Death; 18 U.S.C. § 2 – Aiding and Abetting; 18 U.S.C. § 3 – Accessory After the Fact; 18 U.S.C. § 1963 – RICO Forfeiture

A true bill.



Foreman

Filed in open court this 17 day of September

2015



Clerk

Bail: \$ no process 9/17/15
Xandis Wisthurie

FILED

SEP 17 2015

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

CR 12-00792 YGR

UNITED STATES OF AMERICA,

v.

(1) HENRY CERVANTES

a/k/a "Happy"

(2) ALBERTO LAREZ,

a/k/a "Bird,"

(3) JAIME CERVANTES,

a/k/a "Hennessy,"

(4) ANDREW F. CERVANTES,

a/k/a "Mad Dog,"

Defendants.

) VIOLATIONS: 18 U.S.C. § 1962(d) – Racketeering Conspiracy; 18 U.S.C. § 1959 – Violent Crime in Aid of Racketeering; 18 U.S.C. § 924(c) – Use/Possession of Firearm in Furtherance of Crime of Violence/Drug Trafficking Crime; 18 U.S.C. § 1951 – Hobbs Act Robbery/Conspiracy; 18 U.S.C. § 1512 – Obstruction of Justice/Witness Tampering; 18 U.S.C. § 844(h) – Use of Fire to Commit Federal Felony; 21 U.S.C. § 846 – Drug Conspiracy; 18 U.S.C. § 371 – Conspiracy; 18, U.S.C. § 924(j) – Use of Firearm in Furtherance of a Crime of Violence Causing Death; 18 U.S.C. § 2 – Aiding and Abetting; 18 U.S.C. § 3 – Accessory After the Fact; 18 U.S.C. § 1963 – RICO Forfeiture

THIRD SUPERSEDING INDICTMENT

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The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 1962(d) – Racketeering Conspiracy)Introductory Allegations1. *Nuestra Familia* – Spanish for “Our Family” and also known by the letters “NF” – is a

1 prison gang that was formed in the late 1960s in the California State prison system. The rise of *Nuestra*
 2 *Familia* is linked to the emergence in the late 1950s of another prison gang called the Mexican Mafia,
 3 also known as “*La Eme*. ” Hispanic inmates in the California State prison system joined together to form
 4 what became the Mexican Mafia for protection against other prison gangs as well as to engage in illegal
 5 activities for profit. The Mexican Mafia soon became dominated by Mexican and Mexican-American
 6 inmates from Southern California, and Hispanic inmates from Northern California perceived that they
 7 were marginalized under the dominion of the Mexican Mafia. As a result, Hispanic inmates with roots
 8 in Northern California banded together and formed what became *Nuestra Familia* in order to protect
 9 themselves and advance their own interests.

10 2. By the 1970s, *Nuestra Familia* rivaled the power of the Mexican Mafia and other prison
 11 gangs in California, and the competition between members and associates of *Nuestra Familia* and the
 12 Mexican Mafia resulted in violent and often fatal encounters. Similarly, outside of prison, the members
 13 and associates of *Nuestra Familia* and the Mexican Mafia competed with each other to control such
 14 profitable criminal activities as narcotics trafficking, extortion, and robbery. This competition between
 15 the two rivals led to murder, attempted murder, and other acts of violence.

16 3. *Nuestra Familia* is comprised of relatively few full members, who are known as *carnales*
 17 and who control the gang. An individual becomes a *Nuestra Familia* member or *carnal* after being
 18 properly schooled, sponsored, and approved by other *Nuestra Familia carnales*. A *carnal* must also
 19 prove his loyalty and worth by committing crimes and conducting himself for the gang’s benefit. A
 20 *carnal* must value the gang above all else and must be willing to sacrifice even family and friends for
 21 the gang. According to *Nuestra Familia*’s rules, once one becomes a *carnal*, death is the only way to
 22 withdraw from the gang.

23 4. *Nuestra Familia carnales* control and direct the activities of others, notably members of
 24 the various *Norteño* street gangs. *Norteño* gang members pledge their allegiance and loyalty to *Nuestra*
 25 *Familia* and are instructed on the rules, rituals, and obligations of *Nuestra Familia*. *Norteños* commit
 26 crimes such as narcotics trafficking, robbery, and murder to benefit themselves and *Nuestra Familia*.
 27 Proceeds generated by such illegal activities are expected to be paid as a “tax” to *Nuestra Familia*

1 *carnales*. If a *carnal* is incarcerated, the tax is paid into the *carnal's* jail or prison commissary account
 2 or to the *carnal's* family. *Nuestra Familia* enforces its rules and promotes discipline among its
 3 members and associates by assaulting and threatening those individuals who violate the rules or pose a
 4 threat to the organization.

5 5. As a response to the prison gang problem in the California prison system, the California
 6 Department of Corrections and Rehabilitation (“CDC”) initiated its Secure Housing Units (“SHU”)
 7 programs in its prison facilities. The CDC identified prison gang leaders in a particular facility,
 8 removed them from the prison’s mainline housing units, and placed them into segregated SHU cells.
 9 The goal of the SHU programs was to limit the influence of prison gang leaders by isolating them,
 10 thereby restricting their communications and their ability to direct criminal activities of other gang
 11 members in and out of CDC custody.

12 6. By the early 1980s, the majority of *Nuestra Familia carnales* had been placed in SHU
 13 programs, which limited the prison gang’s numbers and its influence within the CDC. As a response to
 14 the SHU programs, *Nuestra Familia* created a separate gang called *Nuestra Raza* (Spanish for “Our
 15 Race”), also known by the letters “NR.” *Nuestra Familia* gave *Nuestra Raza* members a set of rules,
 16 known as the “14 bonds,” that governed their conduct and educated them in carrying out *Nuestra*
 17 *Familia*’s orders. *Nuestra Raza* members eventually became the “foot soldiers” for *Nuestra Familia* and
 18 also provided a larger recruiting pool to *Nuestra Familia* by preparing inmates for *Nuestra Familia*
 19 membership. Because *Nuestra Raza* was not yet classified as a prison gang, its members were not
 20 automatically segregated into SHU programs. Through their *Nuestra Raza* lieutenants, *Nuestra Familia*
 21 *carnales* were able to restore their control within the CDC. By the 1990s, *Nuestra Raza* had grown in
 22 size and power and also became known as the “Northern Structure” or “NS.”

23 7. Despite the efforts of law enforcement officials, *Nuestra Familia* continues to flourish
 24 and has expanded its influence over illegal activities outside of the prison system. After *Nuestra*
 25 *Familia* members or associates are released from prison, they remain loyal to *Nuestra Familia* and work
 26 to further the goals of *Nuestra Familia* outside of the prison environment. Despite being imprisoned and
 27 being closely scrutinized by prison officials, *Nuestra Familia carnales* still manage to convey their

1 orders to *Nuestra Familia* members and associates in and outside of prison through a variety of means,
2 including secret notes, called “kites” or “filters,” coded letters, and messages conveyed by complicit
3 visitors. These messages are also sent as legal mail (thereby securing the privacy of its contents), or as a
4 three-way messaging system using post office boxes pursuant to which third parties pick up coded
5 messages and re-deliver them to the intended recipients outside of prison. These types of
6 communications allow incarcerated *Nuestra Familia* members to communicate with and direct other
7 incarcerated members and associates, as well as to communicate with and direct members and associates
8 on the streets.

9 8. *Nuestra Familia* organizes its followers on the streets into “regiments,” or “crews,”
10 which commit crimes for the gang’s benefit. A regiment is usually led by a regimental commander who
11 is typically a *carnal* or a high-level *Nuestra Raza* or *Norteño* gang member. Some *carnales* command
12 more than one regiment. The rank and file of a *Nuestra Familia* regiment are called “soldiers” and are
13 usually *Norteños*. Among other things, the regimental commander is responsible for overseeing the
14 criminal activities of his regiment. The gang member in charge of a regiment collects the regiment’s ill-
15 gotten gains and then – after keeping his share – transfers the money to the gang’s leadership in prison.

16 9. *Nuestra Familia* and its affiliated gangs have been and continue to be engaged in a fierce
17 and violent gang war with the Mexican Mafia and the Mexican Mafia's affiliated gangs, which are
18 generally called "Sureño" or "Southern" gangs. Within the prison system, this rivalry manifests itself in
19 beatings and stabbings, which often result in death. Outside the prison system, the two sides, north and
20 south, fight for control of narcotics trafficking territory as well as control over other crimes. In addition
21 to fighting for control over remunerative illegal activities and using violence and terror for the purpose
22 of enriching themselves, the two sides also engage in violence simply to assert their gang identities.

The Racketeering Enterprise

24 10. *Nuestra Familia*, including its leadership, members, associates, and members of its
25 affiliate organizations, including *Nuestra Raza/Northern Structure* and the *Norteños*, constituted an
26 “enterprise” as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals
27 associated in fact. The enterprise constituted an ongoing organization whose members functioned as a

1 continuing unit for a common purpose of achieving the objectives of the enterprise. The enterprise was
 2 engaged in, and its activities affected, interstate and foreign commerce.

3 Purposes of the Enterprise

4 11. The purposes of the *Nuestra Familia* enterprise included the following:

5 a. Preserving and protecting the power, territory, reputation, and profits of *Nuestra*
 6 *Familia* through the use of intimidation, violence, threats of violence, assaults, and murder;

7 b. Enriching the members and associates of *Nuestra Familia* through, among other
 8 things, the control of and participation in the distribution of controlled substances;

9 c. Enriching the members and associates of *Nuestra Familia* through, among other
 10 things, violence and threats of violence, extortion, assault, and robbery;

11 d. Keeping victims, potential victims, and witnesses in fear of *Nuestra*
 12 *Familia* and in fear of its members and associates through violence and threats of violence;

13 e. Providing financial support to other *Nuestra Familia* members, including those
 14 incarcerated for committing acts of violence, robbery, distribution of controlled substances and other
 15 offenses; and

16 f. Protecting *Nuestra Familia* members and associates who committed crimes by
 17 hindering, obstructing, and preventing law enforcement officers from identifying the offenders,
 18 apprehending the offenders, and successfully prosecuting and punishing the offenders.

19 The Defendants

20 12. HENRY CERVANTES, a/k/a “Happy,” is a *Nuestra Familia carnal* and has been a
 21 member of *Nuestra Familia* since at least in or about 1990. By in or about 2011, HENRY
 22 CERVANTES became the regiment commander for the *Nuestra Familia* in Oakland, California.
 23 Among other acts taken in furtherance of *Nuestra Familia*, on or about September 9, 2011, in the
 24 vicinity of Coolidge Avenue in Oakland, HENRY CERVANTES killed two individuals, one of whom
 25 had dropped out of the *Norteño* criminal organization, by stabbing them both with a kitchen knife.
 26 HENRY CERVANTES then enlisted *Norteño* JAIME CERVANTES to destroy the evidence at the
 27 murder scene.

1 13. ALBERTO LAREZ, a/k/a “Bird,” became a member of *Nuestra Raza* in 1994.

2 By in or about 2011, LAREZ had become a *Nuestra Familia carnal* serving as a regiment commander
 3 for the organization. LAREZ distributed controlled substances on behalf of *Nuestra Familia* and sent
 4 proceeds from his illegal narcotics trafficking to incarcerated *Nuestra Familia carnales*. Among other
 5 acts committed in furtherance of *Nuestra Familia*, on or about August 13, 2012, in San Jose, California,
 6 LAREZ murdered a fellow *Norteño* who LAREZ believed was encroaching on LAREZ’s “turf.”

7 14. In addition, throughout 2011, LAREZ groomed a younger *Norteño*, JAIME
 8 CERVANTES, a/k/a “Hennessy,” to put in “work” (i.e., crimes) on behalf of *Nuestra Familia*. Among
 9 other acts committed in furtherance of *Nuestra Familia*, on or about August 27, 2011, in the vicinity of
 10 Red Bluff, California, LAREZ and JAIME CERVANTES conspired to commit, and did commit, an
 11 armed robbery of a gas station. In addition, on or about September 10, 2011, JAIME CERVANTES set
 12 fire to an apartment in Oakland, California, in order to destroy evidence from a double murder
 13 committed the previous day by HENRY CERVANTES. Moreover, on or about January 10, 2012,
 14 JAIME CERVANTES committed a home invasion robbery in Livermore, California.

15 15. ANDREW F. CERVANTES, a/k/a “Mad Dog,” was one of two “overseers” within the
 16 federal faction of the *Nuestra Familia* from approximately 2011. The two overseers managed *Nuestra*
 17 *Familia* affairs from inside federal prison, and they became the de facto leaders of the organization after
 18 the three top generals were rendered “incommunicado” when transferred to the “supermax” ADX
 19 federal prison in Florence, Colorado. Once the second overseer was also sent to ADX, ANDREW F.
 20 CERVANTES became the sole overseer of the NF. As such, he wielded many of the same powers as
 21 the generals of the gang, including the ability to “declare war” against rival gangs. ANDREW F.
 22 CERVANTES was the direct supervisor of ALBERTO LAREZ and HENRY CERVANTES.
 23 ANDREW F. CERVANTES communicated with them through the use of an elaborate coding system
 24 employed by the organization in telephone calls, letters, and “kites.”

25 16. The defendants – HENRY CERVANTES, LAREZ, JAIME CERVANTES, and
 26 ANDREW F. CERVANTES – who are associates, members, and leaders of *Nuestra Familia* and/or
 27 *Nuestra Familia’s Nuestra Raza/Northern Structure* and/or *Norteño* affiliates, acted individually, with
 28

1 each other, and also with non-member *Nuestra Familia* associates in the commission of racketeering
2 activities and other criminal conduct.

The Racketeering Conspiracy

4 17. Beginning on a date unknown to the Grand Jury, but since at least December 2003, and
5 continuing up through and including the present, in the Northern District of California and elsewhere,
6 the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird,"

JAIME CERVANTES, a/k/a "Hennessy," and

ANDREW F. CERVANTES, a/k/a "Mad Dog,"

11 together with others known and unknown, each being a person employed by and associated with *Nuestra*
12 *Familia*, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce,
13 unlawfully, willfully, and intentionally did combine, conspire, confederate and agree to violate Title 18,
14 United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the
15 conduct of the affairs of the *Nuestra Familia* enterprise through a pattern of racketeering activity, as
16 defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity
17 consisted of:

18 a. multiple acts and threats involving murder, in violation of California Penal Code
19 §§ 187, 188, 189, 182, 21a, 664, 653f, and 422;

20 b. multiple acts and threats involving robbery, in violation of California Penal Code
21 §§ 211, 212, 212.5, 213, 182, 21a, 664, 653f, and 422;

22 c. multiple acts involving dealing in controlled substances, in violation of
23 21 U.S.C. §§ 841, 846;

24 d. multiple acts indictable under 18 U.S.C. § 1951 (robbery/extortion affecting
25 commerce); and

e. multiple acts indictable under 18 U.S.C. §§ 1503, 1512; and 1513.

27 18. It was part of the conspiracy that each defendant agreed that a member of the conspiracy

would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

Means and Methods of the Conspiracy

3 19. It was part of the means and methods of the conspiracy that the defendants and other
4 members and associates of *Nuestra Familia*, discussed with other members and associates of *Nuestra*
5 *Familia*, among other things: the membership and rules of *Nuestra Familia*; the status of *Nuestra*
6 *Familia* members and associates who were arrested or incarcerated; the disciplining of *Nuestra Familia*
7 members; encounters between law enforcement and *Nuestra Familia* members and associates; the
8 identities of individuals suspected of cooperating with law enforcement and the proposed actions to be
9 taken against them; plans and agreements regarding the commission of future crimes, including murder,
10 robbery, narcotics distribution, illegal possession of firearms, and assault, as well as ways to conceal
11 these crimes; and the enforcement of the rules of *Nuestra Familia*.

12 20. It was further part of the means and methods of the conspiracy that the defendants and
13 other members and associates of *Nuestra Familia* purchased, possessed, maintained, used, and circulated
14 a collection of firearms for use in criminal activity by the members and associates of *Nuestra Familia*.

15 21. It was further part of the means and methods of the conspiracy that the defendants and
16 other members and associates of *Nuestra Familia* committed acts of violence, including murder,
17 attempted murder, and assault, including acts of violence by members and associates of *Nuestra Familia*
18 against rival gang members and others when it suited the enterprise's purposes. Members of *Nuestra*
19 *Familia* also used violence to impose discipline within the gang.

20 22. It was further part of the means and methods of the conspiracy that the defendants and
21 other members and associates of *Nuestra Familia* distributed narcotics, committed robbery, extortion,
22 and other crimes, and concealed their criminal activities by obstructing justice, threatening and
23 intimidating witnesses, and other means.

Notice of Special Sentencing Factors

Number 1: Conspiracy to Commit Murder

23. Beginning on a date unknown but since at least December 2003, and continuing up through and including the present, in the Northern District of California and elsewhere, the defendants,
HENRY CERVANTES, a/k/a “Happy”
ALBERTO LAREZ, a/k/a “Bird,”
JAIME CERVANTES, a/k/a “Hennessy,” and
ANDREW F. CERVANTES, a/k/a “Mad Dog,”

9 together with others known and unknown to the Grand Jury, each being a person employed by and
10 associated with *Nuestra Familia*, an enterprise engaged in, and the activities of which affected, interstate
11 and foreign commerce, unlawfully, knowingly, and intentionally did combine, conspire, confederate and
12 agree to commit murder, in violation of California Penal Code Sections 187, 188, 189, and 182, to wit,
13 the defendants agreed together and with each other to kill, with malice aforethought, actual and
14 suspected members of rival gangs, individuals suspected of cooperating with law enforcement, and
15 individuals who defied the will of *Nuestra Familia*.

Number 2: HENRY CERVANTES murder of Victim-1

Number 3: HENRY CERVANTES murder of Victim-2

Number 4: ALBERTO LAREZ murder of Victim-5

27 26. On or about August 13, 2012, in the Northern District of California, the defendant,

ALBERTO LAREZ, a/k/a "Bird,"

together with others known and unknown, unlawfully, willfully and intentionally and with deliberation and premeditation, did kill, with malice aforethought, Victim-5, in violation of California Penal Code Sections 187, 188, and 189.

Number 5: JAIME CERVANTES attempted murder of Victim-3

27. On or about January 10, 2012, in the Northern District of California, the defendant,

JAIME CERVANTES, a/k/a "Hennessy,"

unlawfully and knowingly did attempt to kill Victim-3, willfully, deliberately and with premeditation and malice aforethought, in violation of California Penal Code Sections 187, 188, and 189, 21a and 664.

Number 6: Conspiracy to Distribute and Possess With Intent To Distribute Controlled Substances

28. Beginning at the latest in or about January 2011 and continuing until at least in or about August 2012, in the Northern District of California, and elsewhere, the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird," and

ANDREW F. CERVANTES, a/k/a "Mad Dog,"

knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons known and unknown to the grand jury to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO: (18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering)

29. Paragraphs 1 through 16 and 19 through 22 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

30. At all times relevant to this Indictment, *Nuestra Familia*, including its *Nuestra Raza/Northern Structure* and *Norteño* affiliates, constituted an enterprise as defined in Title 18, United

1 States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in,
2 and the activities of which affected, interstate and foreign commerce. The enterprise constituted an
3 ongoing organization whose members functioned as a continuing unit for a common purpose of
4 achieving the objectives of the enterprise.

5 31. At all times relevant to this Indictment, *Nuestra Familia*, the above-described enterprise,
6 through its members and associates, engaged in racketeering activity, as defined in Title 18, United
7 States Code, Sections 1959(b)(1) and 1961(1), namely, multiple acts and threats involving murder, in
8 violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, 653f, and 422; multiple acts and
9 threats involving robbery, in violation of California Penal Code §§ 211, 212, 212.5, 213, 182, 21a, and
10 664; multiple acts involving dealing in a controlled substance, in violation of 21 U.S.C. §§ 841, 846; and
11 multiple acts indictable under 18 U.S.C. §§ 1951, 1503, 1512, and 1513.

12 32. Beginning on a date unknown to the Grand Jury, but since at least December 2003, and
13 continuing up through and including the present, in the Northern District of California and elsewhere,
14 for the purpose of gaining entrance to and maintaining and increasing position in *Nuestra Familia*, an
15 enterprise engaged in racketeering activity, the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird," and

JAIME CERVANTES, a/k/a "Hennessy,"

19 together with others known and unknown, unlawfully, willfully, and intentionally did combine,
20 conspire, confederate, and agree together and with each other to commit murder, in violation of
21 California Penal Code Sections 187, 188, and 189, to wit, HENRY CERVANTES, LAREZ, and JAIME
22 CERVANTES agreed together and with each other to kill actual and suspected members of rival gangs,
23 individuals suspected of cooperating with law enforcement, individuals who defied the will of *Nuestra*
24 *Familia*, and others in order to maintain and increase their standing within the racketeering enterprise
25 known as the *Nuestra Familia*.

26 All in violation of Title 18, United States Code, Section 1959(a)(5).

27 COUNT THREE: (18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a

Dangerous Weapon in Aid of Racketeering)

33. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

34. Beginning on a date unknown to the Grand Jury, but since at least December 2003, and continuing up through and including the present, in the Northern District of California and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in *Nuestra Familia*, an enterprise engaged in racketeering activity, the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird," and

JAIME CERVANTES, a/k/a "Hennessy,"

together with others known and unknown, unlawfully, willfully, and intentionally did combine, conspire, confederate, and agree together and with each other to commit assault with a dangerous weapon, in violation of California Penal Code Section 245(a)(1), to wit, HENRY CERVANTES, LAREZ, and JAIME CERVANTES agreed together and with each other to assault with guns, knives, and other dangerous weapons actual and suspected members of rival gangs, individuals suspected of cooperating with law enforcement, individuals who defied the will of *Nuestra Familia*, and others in order to maintain and increase their standing within the racketeering enterprise known as *Nuestra Familia*.

All in violation of Title 18, United States Code, Section 1959(a)(6).

COUNT FOUR: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Possession of Firearm in Furtherance of Crime of Violence)

35. Beginning on a date unknown to the Grand Jury, but since at least December 2003, and continuing up through and including the present, in the Northern District of California and elsewhere, the defendant,

HENRY CERVANTES, a/k/a "Happy,"

together with others known and unknown, unlawfully and knowingly did use and carry a firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the United States.

1 namely, the *Nuestra Familia* racketeering conspiracy charged in Count One of this Indictment, the
 2 conspiracy to commit murder in aid of racketeering charged in Count Two of this Indictment, and the
 3 conspiracy to commit assault with a dangerous weapon in aid of racketeering charged in Count Three of
 4 this Indictment, and did possess a firearm in furtherance of the offenses charged in Count One, Count
 5 Two, and Count Three of this Indictment, and did brandish a firearm in furtherance of the offenses
 6 charged in Count One, Count Two, and Count Three of this Indictment, and did discharge a firearm in
 7 furtherance of the offenses charged in Count One, Count Two, and Count Three of this Indictment, to
 8 wit, HENRY CERVANTES possessed and used, aided and abetted another's possession and use, and
 9 had available for their use, a variety of firearms to further the goals and activities of *Nuestra Familia*.

10 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

11 COUNT FIVE: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
 12 Victim-1)

13 36. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are
 14 realleged and incorporated by reference as though fully set forth herein.

15 37. On or about September 9, 2011, in the Northern District of California, for the
 16 purpose of gaining entrance to, and maintaining and increasing position in, *Nuestra Familia*, an
 17 enterprise engaged in racketeering activity, the defendant,

18 HENRY CERVANTES, a/k/a "Happy,"

19 together with others known and unknown, unlawfully, willfully, and intentionally did murder Victim-1,
 20 in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

21 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

22 COUNT SIX: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
 23 Victim-2)

24 38. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are
 25 realleged and incorporated by reference as though fully set forth herein.

26 39. On or about September 9, 2011, in the Northern District of California, for the
 27 purpose of gaining entrance to, and maintaining and increasing position in, *Nuestra Familia*, an

1 enterprise engaged in racketeering activity, the defendant,

2 HENRY CERVANTES, a/k/a "Happy,"

3 together with others known and unknown, unlawfully, willfully, and intentionally did murder Victim-2,
4 in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

5 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

6 COUNT SEVEN: (18 U.S.C. § 371 – Conspiracy to Obstruct Justice)

7 40. From at least on or about September 9, 2011, up through and including on or about
8 September 11, 2011, in the Northern District of California, the defendants,

9 HENRY CERVANTES, a/k/a "Happy," and

10 JAIME CERVANTES, a/k/a "Hennessy,"

11 and others known and unknown, unlawfully, willfully, and intentionally did combine, conspire,
12 confederate, and agree together and with each other to commit an offense against the United States, to
13 wit, to violate Title 18, United States Code, Section 1512(c)(2).

14 It was a part and an object of the conspiracy that the defendants,

15 HENRY CERVANTES, a/k/a "Happy," and

16 JAIME CERVANTES, a/k/a "Hennessy,"

17 and their co-conspirators, unlawfully, willfully, and intentionally would and did corruptly obstruct,
18 influence, and impede an official proceeding, in violation of Title 18, United States Code, Section
19 1512(c)(2).

20 Overt Acts

21 41. In furtherance of the conspiracy and to effect the illegal object thereof, the following
22 overt acts, among others, were committed in the Northern District of California:

23 a. On or about September 10, 2011, HENRY CERVANTES told JAIME
24 CERVANTES to destroy evidence at the scene of a double murder in Oakland, California.

25 b. On or about September 10, 2011, JAIME CERVANTES traveled to Oakland,
26 California.

27 c. On or about September 10, 2011, JAIME CERVANTES set fire to an apartment

1 in Oakland, California.

2 All in violation of Title 18, United States Code, Section 371.

3 COUNT EIGHT: (18 U.S.C. §§ 3 and 1959(a)(1) – Accessory After the Fact to
4 Racketeering Murder)

5 42. From at least on or about September 9, 2011, up through and including on or about
6 September 11, 2011, in the Northern District of California and elsewhere, the defendant,

7 JAIME CERVANTES, a/k/a “Hennessy,”
8 and others known and unknown, knowing that an offense against the United States had been committed,
9 to wit, a double murder committed by HENRY CERVANTES, on or about September 9, 2011, in
10 violation of Title 18, United States Code, Section 1959(a)(1), unlawfully and knowingly did receive,
11 comfort, and assist the offender in order to hinder and prevent the offender’s apprehension, trial, and
12 punishment, to wit, JAIME CERVANTES destroyed evidence relating to a double murder committed on
13 September 9, 2011, in Oakland, California.

14 All in violation of Title 18, United States Code, Section 3.

15 COUNT NINE: (18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice)

16 43. From at least on or about September 9, 2011, up through and including on or about
17 September 11, 2012, in the Northern District of California, the defendants,

18 HENRY CERVANTES, a/k/a “Happy,” and
19 JAIME CERVANTES, a/k/a “Hennessy,”

20 and others known and unknown, unlawfully and knowingly did corruptly obstruct, influence, and
21 impede an official proceeding, to wit, HENRY CERVANTES and JAIME CERVANTES destroyed
22 evidence relating to a double murder committed on September 9, 2011 in Oakland, California.

23 All in violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

24 COUNT TEN: (18 U.S.C. §§ 844(h) and 2 – Use of Fire to Commit Felony)

25 44. On or about September 10, 2011, in the Northern District of California, the
26 defendants,

27 HENRY CERVANTES, a/k/a “Happy,” and

JAIME CERVANTES, a/k/a "Hennessy," unlawfully and knowingly did use fire to commit a felony which may be prosecuted in a court of the United States, to wit, HENRY CERVANTES and JAIME CERVANTES set fire to an apartment in Oakland, California, in order to commit the crimes of conspiring to obstruct justice charged in Count Seven of this Indictment, being an accessory after the fact to racketeering murder charged in Count Eight of this Indictment and obstructing of justice charged in Count Nine of this Indictment.

All in violation of Title 18, United States Code, Sections 844(h)(1) and 2.

COUNT ELEVEN: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-3)

45. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

46. On or about January 10, 2012, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, *Nuestra Familia*, an enterprise engaged in racketeering activity, the defendant,

JAIME CERVANTES, a/k/a "Hennessy,"

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT TWELVE: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-4)

47. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

48. On or about January 10, 2012, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, *Nuestra Familia*, an enterprise engaged in racketeering activity, the defendant,

JAIME CERVANTES, a/k/a "Hennessy,"

1 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

2 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

3 COUNT THIRTEEN: (18 U.S.C. § 1951(a) – Conspiracy to Commit Robbery Affecting
4 Interstate Commerce)

5 49. In or about January 2012, in the Northern District of California, the defendant,
6 JAIME CERVANTES, a/k/a “Hennessy,”
7 and others known and unknown, unlawfully, willfully, and intentionally did combine, conspire,
8 confederate, and agree together and with each other to commit robbery, as that term is defined in Title
9 18, United States Code, Section 1951(b)(1), and thereby would obstruct, delay, and affect commerce and
10 the movement of articles and commodities in commerce.

11 All in violation of Title 18, United States Code, Section 1951(a).

12 COUNT FOURTEEN: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)

13 50. On or about January 10, 2012, in the Northern District of California, the defendant,
14 JAIME CERVANTES, a/k/a “Hennessy,”
15 and others known and unknown, unlawfully and knowingly did obstruct, delay, and affect commerce
16 and the movement of articles and commodities in commerce by robbery, as that term is defined in Title
17 18, United States Code, Section 1951(b)(1).

18 All in violation of Title 18, United States Code, Sections 1951(a) and 2.

19 COUNT FIFTEEN: (18 U.S.C. §§ 924(c) and 2 – Possession of a Firearm in Furtherance of a
20 Crime of Violence)

21 51. On or about January 10, 2012, in the Northern District of California, the defendant,
22 JAIME CERVANTES, a/k/a “Hennessy,”
23 and others known and unknown, unlawfully and knowingly did use and carry a firearm during and in
24 relation to a crime of violence for which they may be prosecuted in a court of the United States, namely,
25 the assault with a dangerous weapon of Victim-3 in aid of racketeering charged in Count Eleven of this
26 Indictment, the assault with a dangerous weapon of Victim-4 in aid of racketeering charged in Count
27 Twelve of this Indictment, the conspiracy to commit robbery affecting commerce charged in Count

1 Thirteen of this Indictment, and the robbery affecting commerce charged in Count Fourteen of this
2 Indictment, and did possess and brandish a firearm in furtherance of the offenses charged in Counts
3 Eleven, Twelve, Thirteen, and Fourteen of this Indictment.

4 All in violation of Title 18, United States Code, Sections 924(c) and 2.

5 COUNT SIXTEEN: (18 U.S.C. § 371 – Conspiracy to Obstruct Justice)

6 52. In or about October 2011, in the Northern District of California, the defendant,

7 ALBERTO LAREZ, a/k/a “Bird,”

8 and others known and unknown, unlawfully, willfully, and intentionally did combine, conspire,
9 confederate, and agree together and with each other to commit an offense against the United States, to
10 wit, to violate Title 18, United States Code, Section 1512(c)(2). It was a part and an object of the
11 conspiracy that the defendant,

12 ALBERTO LAREZ, a/k/a “Bird,”

13 and their co-conspirators, unlawfully, willfully, and intentionally would and did corruptly obstruct,
14 influence, and impede an official proceeding, in violation of Title 18, United States Code, Section
15 1512(c)(2).

16 Overt Acts

17 53. In furtherance of the conspiracy and to effect the illegal object thereof, the following
18 overt acts, among others, were committed in the Northern District of California:

19 a. In or about October 2011, in Oakland, California, LAREZ instructed a co-
20 conspirator to discard firearms stored in a residence in Oakland.

21 b. In or about October 2011, in Oakland, California, a co-conspirator removed
22 firearms from a residence in Oakland.

23 All in violation of Title 18, United States Code, Section 371.

24 COUNT SEVENTEEN: (18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice)

25 54. In or about October 2011, in the Northern District of California, the defendant,

26 ALBERTO LAREZ, a/k/a “Bird,”

27 and others known and unknown, unlawfully and knowingly did corruptly obstruct, influence, and

1 impede an official proceeding, to wit, LAREZ and a co-conspirator discarded firearms stored at a
2 residence in Oakland, California, thereby obstructing and impeding a federal criminal investigation.

3 All in violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

4 COUNT EIGHTEEN: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
5 Victim-5)

6 55. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are
7 realleged and incorporated by reference as though fully set forth herein.

8 56. On or about August 13, 2012, in the Northern District of California, for the purpose of
9 gaining entrance to, and maintaining and increasing position in *Nuestra Familia*, an enterprise engaged
10 in racketeering activity, the defendant,

11 ALBERTO LAREZ, a/k/a “Bird,”
12 together with others known and unknown, unlawfully, willfully, and intentionally did murder Victim-5,
13 in violation of California Penal Code, Sections 187, 188, 189, and 21a.

14 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

15 COUNT NINETEEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Possession of Firearm in
16 Furtherance of Crime of Violence)

17 57. On or about August 13, 2012, in the Northern District of California, the defendant,
18 ALBERTO LAREZ, a/k/a “Bird,”
19 together with others known and unknown, unlawfully and knowingly did use and carry a firearm during
20 and in relation to a crime of violence for which he may be prosecuted in a court of the United States,
21 namely, the murder in aid of racketeering of Victim-5 charged in Count Eighteen of this Indictment, and
22 did possess, brandish, and discharge a firearm in furtherance of the offense charged in Count Twenty of
23 this Indictment.

24 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

25 COUNT TWENTY: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm in Furtherance of
26 Crime of Violence Causing the Death of Victim-5)

27 58. On or about August 13, 2012, in the Northern District of California, the defendant,

ALBERTO LAREZ, a/k/a "Bird,"

together with others known and unknown, unlawfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of racketeering of Victim-5, charged in Count Eighteen of this Indictment; did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime did cause the death of Victim-5 through the use of a firearm, which killing was murder as defined in Title 18, United States Code, Section 1111, and manslaughter as defined in Title 18, United States Code, Section 1112.

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

COUNT TWENTY-ONE: (21 U.S.C. §§ 846, 841 and 841(b)(1)(A) – Drug Conspiracy)

59. Beginning at the latest in or about January 2011 and continuing until at least in or about August 2012, in the Northern District of California, and elsewhere, the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird," and

ANDREW F. CERVANTES, a/k/a "Mad Dog,"

knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons known and unknown to the grand jury, to commit the following offenses against the United States in violation of Title 21, United States Code, Section 841(a)(1): to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers; to knowingly and intentionally distribute and possess with intent to distribute a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers; and to knowingly and intentionally distribute and possess with intent to distribute a mixture or substance containing a detectable amount of heroin.

All in violation of Title 21, United States Code, Sections 846, 841(a)(1), and

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1 FORFEITURE ALLEGATION: (18 U.S.C. § 1963 – Proceeds and Property Involved in
 2 Racketeering)

3 60. The allegations contained in Count One of this Indictment are hereby realleged and
 4 incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code,
 5 Section 1963. Pursuant to Title 18, United States Code, Section 1963, upon conviction of an
 6 offense in violation of Title 18, United States Code, Section 1962, the defendants,

7 HENRY CERVANTES, a/k/a “Happy”

8 ALBERTO LAREZ, a/k/a “Bird,”

9 JAIME CERVANTES, a/k/a “Hennessy,” and

10 ANDREW F. CERVANTES, a/k/a “Mad Dog,”

11 shall forfeit to the United States of America:

12 a. any interest the defendants have acquired and/or maintained in violation of 18
 13 U.S.C. § 1962;

14 b. any interest in, security, of, claim against, and property and contractual
 15 right of any kind affording a source of influence over an enterprise which the defendants have
 16 established, operated, controlled, conducted, and participated in the conduct of in violation of 18 U.S.C.
 17 § 1962;

18 c. any property constituting, and derived from, any proceeds obtained, directly and
 19 indirectly, from racketeering activity in violation of 18 U.S.C. § 1962.

20 61. Defendants are jointly and severally liable for forfeiture.

21 62. If any of the property described above, as a result of any act or omission of the
 22 defendants:

23 a. cannot be located upon the exercise of due diligence;

24 b. has been transferred or sold to, or deposited with, a third party;

25 c. has been placed beyond the jurisdiction of the court;

26 d. has been substantially diminished in value;

27 e. has been commingled with other property which cannot be divided without

1 difficulty,

2 the United States shall be entitled to forfeiture of substitute property pursuant to Title 18, United States
3 Code, Section 1963(m).

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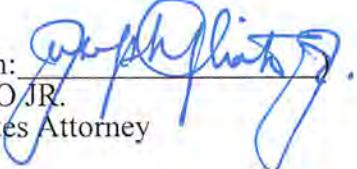
5 DATED: September 17, 2015 A TRUE BILL

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7 
8 FOREPERSON

9 BRIAN J. STRETCH
10 Acting United States Attorney

11 
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13 Deputy Chief, Criminal Division

14 (Approved as to form:
15 JOSEPH M. ALIOTO JR.
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